ARC 5115C

PHARMACY BOARD[657]

Notice of Intended Action

Proposing rule making related to patient information and providing an opportunity for public comment

The Board of Pharmacy hereby proposes to amend Chapter 8, "Universal Practice Standards," and Chapter 21, "Electronic Data and Automated Systems in Pharmacy Practice," Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 147.76 and 155A.35.

Purpose and Summary

The proposed rule making clarifies that patient information which is needed for a pharmacist to conduct drug utilization review shall be obtained and that the collection of such information can be delegated to a pharmacy technician. The rule making also provides that an electronically transmitted prescription must include the telephone number where the prescriber can be contacted and updates a reference.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Board no later than 4:30 p.m. on August 18, 2020. Comments should be directed to:

Sue Mears
Board of Pharmacy
400 S.W. 8th Street, Suite E
Des Moines, Iowa 50309
Email: sue.mears@iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)"b," an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental

subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 657—8.21(155A) as follows:

657—8.21(155A) Prospective drug use review.

8.21(1) For purposes of promoting therapeutic appropriateness and ensuring rational drug therapy, a pharmacist shall review the patient record, information obtained from the patient, and each prescription drug or medication order to identify:

a. to *h.* No change.

Upon recognizing any of the above, the pharmacist shall take appropriate steps to avoid or resolve the problem and shall, if necessary, include consultation with the prescriber. Information that shall be obtained for the purpose of drug utilization review includes, but is not limited to, a complete list of prescription and nonprescription medications being used by the patient, patient allergies, and patient disease states. The collection of patient information to be used for drug utilization review may be delegated to a pharmacy technician or pharmacist-intern. The review and assessment of patient records shall not be delegated to pharmacy technicians or pharmacy support persons but may be delegated to registered pharmacist-interns under the direct supervision of the pharmacist.

8.21(2) No change.

ITEM 2. Amend paragraph **21.6(1)"d"** as follows:

d. In addition to the information requirements for a prescription, an electronically transmitted prescription shall identify the transmitter's telephone number for verbal confirmation, the telephone number where the prescriber can be contacted for timely consultation about patient care matters, the time and date of transmission, and the pharmacy intended to receive the transmission as well as any other information required by federal or state laws, rules, or regulations.

ITEM 3. Amend subrule 21.7(3) as follows:

21.7(3) *Schedule II controlled substances—long-term care facility patients.* A prescription for any Schedule II controlled substance for a resident of a long-term care facility, as "long-term care facility" is defined in rule ~~657—23.1(155A)~~ 657—23.2(155A), may be transmitted by the prescriber or the prescriber's agent to a pharmacy via facsimile. The prescription shall identify that the patient is a resident of a long-term care facility.